IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 128 OF 2006

Orien Mojes Penkar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Ms.Anjali Patil for Applicant.
Mr.S.S. Tatkare, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 30, 2006

P.C. :-

. The applicant was arrested in connection with an offence punishable under Sections 420, 120B, 471, 468 of the IPC. Initially the provisional bail was granted to the applicant on a condition that he should repay the amount which he had taken for the National Auto Finance Limited and that he should surrender thereafter on a particular date in September 2005. However, the applicant did not surrender on that day and therefore, the non-bailable warrant was issued against him and thereafter, the applicant surrendered. It is alleged that the applicant had taken loan for the company by giving forged and fabricated documents. In the present case, the chargesheet has been filed.

2. It is submitted by the applicant that the applicant could not remain present before the Sessions Court as he was suffering from high fever and the doctor had advised him rest. It is submitted that thereafter he surrendered before the Sessions Court.

3. It is submitted that the Sessions Court had rejected his bail only on the ground that the applicant had not abided by the condition which was imposed by the Sessions Court when provisional bail was granted to him.

4. In my view, considering the fact that the chargesheet has been filed and the documentary evidence is with the police, there is no question of tampering witnesses or the evidence. The applicant has a fixed place of residence in Mumbai. Considering the submissions of the applicant's Counsel that if the applicant is released on bail, he shall make all possible efforts to repay the amount which is due and payable to Bank, the applicant, in these circumstances, is entitled to be released on bail.

5. Accordingly, the applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to EOW DCB CID Unit I, Mumbai, twice in a month.

. The application is allowed in the above terms.

(V.M. KANADE, J.)